

CITY OF NORTHAMPTON
MASSACHUSETTS

*Two-Family By- Right
Ordinances 5 of 10*

In the Year Two Thousand Twenty

Upon the Recommendation of the Mayor and Office of Planning and Sustainability

20.167 An Ordinance Relative to Two-Family By Right - Addition of WSP District Table of Use


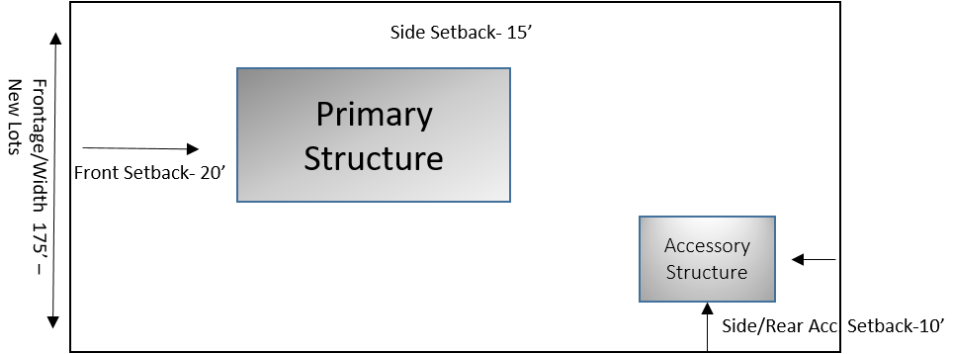
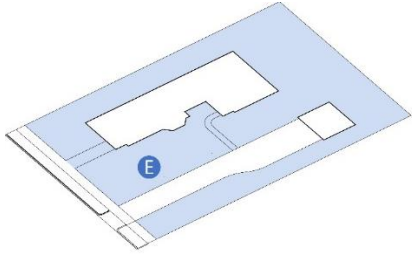
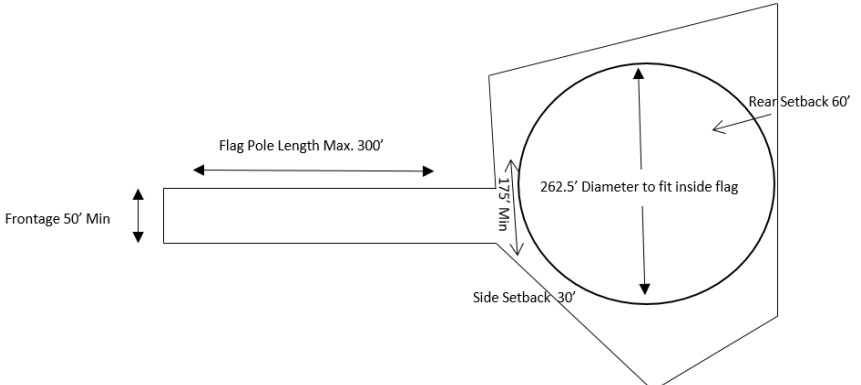
An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by replacing section 350, Attachment 24 of said code; updating layout for WSP District and adding two-family residences by right.

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts. Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

SECTION 1

Add new “Table of Use and Dim Regulations WSP District” as follows

WSP District (Water Supply Protection)	
Description:	Example Uses/Structures
<p>Primarily low density residential over the City's drinking water protection zones including Zone 1 and 2 wellhead protection Minimum lot sizes are larger to ensure onsite recharge for new lots. Existing built neighborhoods and new lots have slightly greater minimum open space requirements than other neighborhoods.</p>	
Lot Dimension Requirements	Layout Setbacks
<p>Lot Size- standard - Existing House Lots: Lot size/ frontage/depth: Same as in existence on June 7, 2007, or 80,000 square feet & 175' frontage/width, whichever is less Open Space = 60%</p> <p>New Lots 80,000 square ft. Min. Frontage/Width = 175' Min. Depth = 200' Min.</p> <p>Open Space = 85% E See Also §350-15.9</p> <p>Setbacks (accessory structures)* Front =20' Min Side= 15' Min (4' detached accessory) Rear= 20' Min (4' detached accessory)</p> <p>*Attached Accessory Structures may be 10' from side and rear lot lines when used only as garage/storage space.</p> <p>Max Height= 35' (20' detached accessory) Ground Mount Solar, Essential Srvcs/Municipal Facil: 0 Min.Lot Size</p>	 
<p>Flag Lot Size- 80,000 square ft. minimum Frontage/Width = 50' Min. Depth = 200' Min.</p> <p>Setbacks Front =40' Min Side=30' Min(10' Det Acc structure) Rear=60' Min(10' Det Acc structure)</p> <p>Max Height = 35' Open Space = 85%</p>	<p>FLAG LOT LAYOUT</p> 

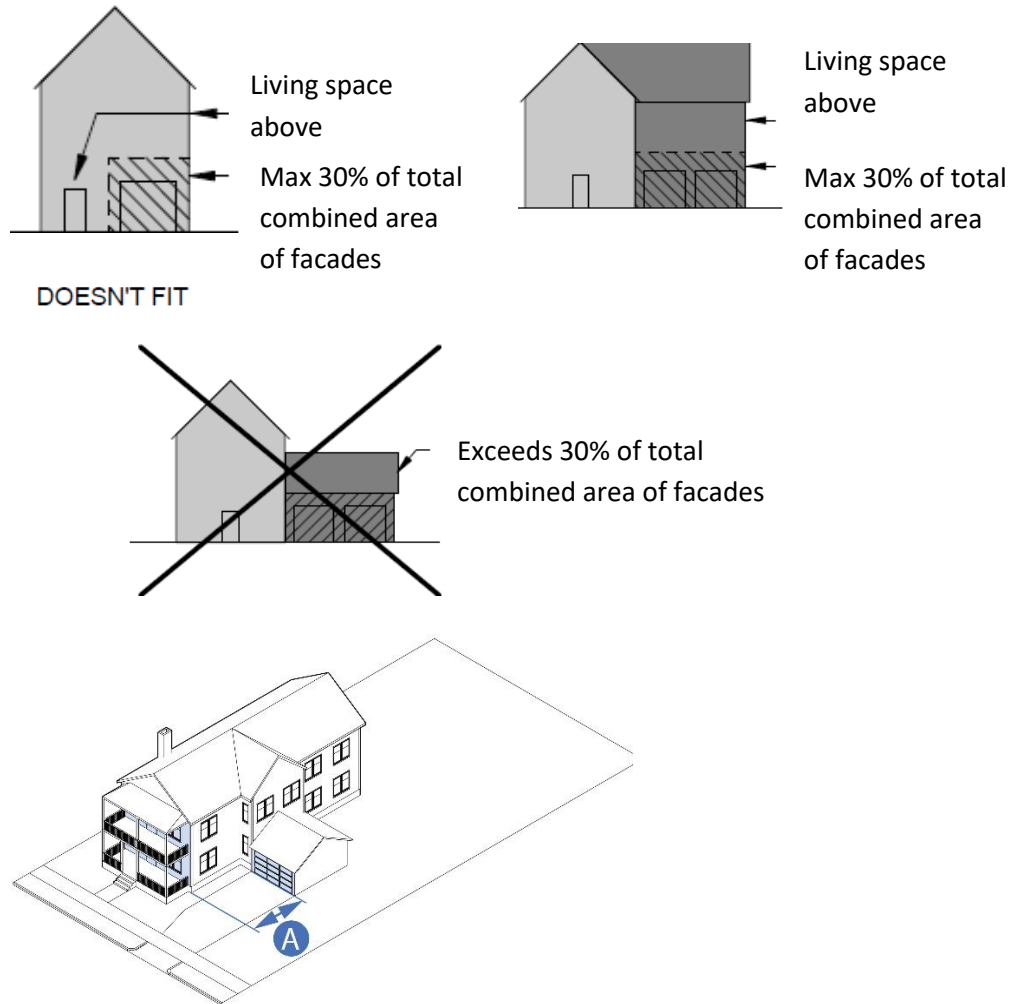
Design Standards Illustrated

1. For attached garages/ parking structures that face the street,

- The front face of the garage must be stepped back 10' from the house façade; and
- The garage shall comprise no more than 30% of the front façade of the primary structure, unless the garage is stepped back from the façade by 20' (A).

The criteria above does not apply to residential structures that are either behind another principal structure, which is along the street front, or if the structure is setback 50' or more from the front lot line.

See additional specific criteria for 2-family homes. 350-6.11.



Minimum Parking for residential uses

For other uses see table in 350-8.2

1 space per 1,000 ft² Gross Living Area (round up). No more than 2 spaces required per unit.

Front yard setback may only have parking for a maximum of two vehicles

WSP USES ALLOWED

Uses Allowed By Right:

- Single Family residence
- ~~Two-Family/Attached (to a single family)~~ accessory dwelling unit ~~not to exceed 900 F² Gross Living Area. See 350-10.10. Same setback as for principal structures. See §350-6.11 for additional criteria.~~ EDITOR'S NOTE: Create HOTLINK)
- Home Business up to 25 visits per week as defined in sect.2.1
- Preexisting nonconforming uses (may trigger ZBA permit)
- Accessory uses to residential: Tag Sales -temporary sales of personal and household articles, Pets/animals section 5.3
- Accessory structures- detached (but no larger than 1,000 ft² of lot coverage or 3% of lot area whichever is greater unless it is used for agricultural purposes) See also § 350-6.7.
- Family day care (registration w/Building Commissioner required)
- Cemetery, including any crematory therein
- Temporary event as defined in 350-2.1
- Agriculture, horticulture, floriculture, noncommercial forestry, the growing of all vegetables and a temporary (not to exceed erection or use for a period of four months in any one year) greenhouse or stand for retail sale of agricultural or farm products raised primarily on the same premises. Dimensional Standards do not apply.
- Rooftop solar hot water and photovoltaic
- Accessory solar photovoltaic(PV) ground-mounted on a parcel with any building/ use, provided that the PV is sized to generate no more than 100% or 12 KW of the annual projected electric use of the non-PV building/use. Same setbacks as for detached accessory structures.
- Any excavation incidental to a permitted use within three feet of the annual groundwater table with staff review to ensure there will be no groundwater contamination and site will not be dewatered.
- Essential Facilities – Setbacks of structures are that of Principal structures.
- Municipal Facility - Setbacks of structures are that of Principal structures.
- Short-term rental: allowed only upon annual registration with the City. Use as a registered rental is only valid for the year in which registration is completed and expires December 31 each year.
- Any excavation incidental to a permitted use within three feet of the annual groundwater table with staff review to ensure there will be no groundwater contamination and site will not be dewatered.

Site Plan Approval required for the following:

- Any ~~new c-~~Construction (other than for a single family ~~or two-family less than 3,400 sf of GFA~~ home) greater than 2,000 ft²
- ~~Two Single dwellings on the same parcel/Detached Accessory Dwelling. See §350-6.11 for additional criteria. (EDITOR'S NOTE: Create HOTLINK)~~
- ~~Detached accessory dwelling unit for single family home meeting same setback requirements as a single family home see §350-10.10.—Administrative Site Plan~~
- Educational use: non-profit, any religious use, day care, school-aged child-care program (MGL c. 28A, § 9);
- Reuse of Historic Educational or Religious Building(s) for: Any residential use, live/work space, or office, provided however that no more than 20% of the floor space of the building(s) shall be used for medical, banking or any offices where a primary function is to provide services to retail customers or individuals. All such uses approved under this provision shall be within the footprint of existing building(s) and may only be approved contingent upon protection of all historically contributing portions of the building with a Historic Preservation Restriction granted to the City of Northampton in a form acceptable to the Planning Board, with input from the Historical Commission, as preserving the key character defining features visible from the road (and not necessarily meeting federal or state preservation standards for the entire building). The existing building may be expanded to accommodate elevators and stairwells. Portions of the building that are not part of the original architecture of the building and which do not contribute to the historical or architectural significance of the building as determined by the Planning Board, with input from the Historical Commission, may be demolished.
- Solar photovoltaic of any size, ground-mounted—*Administrative Site Plan:*

1. Over any legal parking lot or driveway;
2. At any landfill site not separate from the site-assigned property by any road; and
3. At an airport not separated from the runways by any road.

- Solar photovoltaic (PV), large-scale ground mounted with less than two acres of tree removal: Any other solar photovoltaic (PV), large-scale ground-mounted not listed above, where less than two acres of tree removal is planned. The removal of significant trees on the subject parcel(s) must be replaced in accordance with § 350-12. 3 and includes tree removal that occurs within 12 months immediately prior to an application for installation of such a system. No minimum frontage or lot size. Panels shall be setback 50' from all lot lines. A planted buffer to abutting residential property shall be at least 15 feet in width along the property boundary. It shall contain a screen of plantings of vertical habit in the center of the strip not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs shall be planted not more than five feet on center, and individual trees thereafter shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50% of the plantings shall be evenly spaced. Whenever possible, existing trees and ground cover should be preserved in this strip, reducing the need to plant additional trees. Trees may not be cut down in this strip without site plan approval.

1 The owner or operator shall remove the installation no more than 150 days after the date of discontinued operations. Removal shall consist of:

- a. Removal of all structures, equipment, security barriers, transmission lines, conduits, poles.
 - b. Disposal of all waste in accordance with local, state, and federal waste disposal regulations.
 - c. Stabilization or re-vegetation of the site as necessary to minimize erosion. If the owner/operator fails to remove the installation in accordance with the requirements of this section, the City shall have the right, exercise or call the bond/performance guarantee in order to cover the cost of removal. Performance guarantee: Applicants shall submit an itemized cost estimate for complete decommissioning of the array as specified above. Prior to beginning construction the applicant shall post a performance guarantee in the form of a bond or escrow or other guarantee approved by the Planning Board for the amount to cover decommissioning, including a 20% contingency and calculated with twenty-year inflation factor. ~~Installation must be maintained in good condition with painting, structural repairs and security maintained and facilities no longer being used dismantled within 90 days.~~
- Parking off site and combined parking. See § 350-8.5 and 350-8.7
 - Creation or expansion of six or more contiguous parking spaces.
 - Parking requirement reduction. See § 350-8.10F.
 - Residential Shared driveways see § 350-8.8R
 - Year-round greenhouse / stand for wholesale and retail sale of agricultural farm products raised on site
 - ~~Detached Accessory Dwelling Unit see 10.10—Administrative Site Plan~~
 - Telecommunication antennas which are located on existing telecommunications towers or other structures which do not require the construction of a new tower (in accordance with § 350-10.9)
 - Open/Outdoor marijuana cultivation.
 1. All security fencing that includes razor wire or other physical security measures that are not typically residential in character must be screened with vegetation so that it is not visible from public ways nor from other principal residential structures within 300 feet.
 2. If a fence or other security structure is planned within a FEMA-mapped floodplain, it must be shown to be engineered to withstand expected floodwaters or it must be engineered to include a breakaway that opens during flood conditions.

Special Permit Approval required for the following uses by Planning Board unless otherwise noted:

- Home Business for personal service business by appointment only or Home Business more than 25 visits etc. see 10.12 for other criteria—*Zoning Board of Appeals Special Permit*
- Flag lots. for Single, Two-Family or Two Single Family See § 350-6.10, 6.11.
- Bed-and-breakfast/Tourist home
- Commercial stable or kennel in which all animals, fowl, or other forms of life are completely enclosed in pens or other structures. See § 350-10.8 and exemptions MGL c. 40A.

- Outdoor Commercial Recreational use, miniature golf, temporary carnival
- Any other private school, college or university
- Historical association or society and nonprofit museum (may include the residence of a caretaker)
- Accessory solar photovoltaic ground-mounted on a parcel with any building or use, between 8-12 KW or over 100% but no more than 200% of the annual projected electric use of the non-PV building or use.
- Private Utility or Substation, small scale hydroelectric generation.
- New Telecommunications facility in accordance with §§350-2.1 and 10.9.
- Parking lot access for nonresidential uses across a residential lot. See § 350-8.9.
- Processing and treating of raw materials including operations appurtenant to the taking, such as grading, drying, sorting, crushing, grinding and milling operations. See § 350- 10.3.
- Removal of sand, gravel, quarry, or other raw material. See § 350-10.3.
- Filling of any land. See §10.4 Filling of water or any wet area. See §10.3.
- Private bridge, tunnel
- Railroad passenger terminal
- Municipal facility
- Heavy public use. See § 350-10.7.— *City Council Special Permit*
- Membership club operated as a not-for-profit corporation, as defined by MGL c. 180, excluding any adult establishments which display live nudity -
- Site alteration, structure or impervious surface within 200 feet of any watercourse (including intermittent) which are tributaries to a public water supply
- Funeral establishment
- Community Center
- ~~Assisted living residences, nursing homes~~
- Cluster residential development. See § 350-10.5.
 - Cluster Development Layout Standards
 - a. Project lot = 4-acre minimum
 - b. Project frontage = 175 feet
 - c. Project depth = 200 feet
 - d. Setbacks from project boundary:
 - Front = 40 feet
 - Side = 20 feet
 - Rear = 50 feet
 - e. Individual lot frontage, setbacks, frontage = 0 feet
 - f. Maximum height = 35 feet
 - g. Project open space = 75%
 - h. Design: Planning Board to review layout to ensure project transitions between existing neighborhood along street and proposed project. For new buildings, setback, scale, massing should fit within the area. Mature specimen trees shall be preserved unless shown to be infeasible. No minimum setbacks, lot size, frontage, or open space for internal lots. More than one structure may be located on a single lot.
- Solar photovoltaic (PV), large-scale groundmounted with more than two acres of tree removal.

A planted buffer to abutting residential property shall be at least 15 feet in width along the property boundary. It shall contain a screen of plantings of vertical habit in the center of the strip not less than three feet in width and six feet in height at the time of occupancy of such lot. Individual shrubs shall be planted not more than five feet on center, and individual trees thereafter shall be maintained by the owner or occupants so as to maintain a dense screen year-round. At least 50% of the plantings shall be evenly spaced. Whenever possible, existing trees and ground cover should be preserved in this strip, reducing the need to plant additional trees. Trees may not be cut down in this strip without site plan approval

 1. The owner or operator shall remove the installation no more than 150 days after the date of discontinued operations. Removal shall consist of: a. Removal of all structures, equipment, security barriers, transmission lines, conduits, poles. b. Disposal of all waste in accordance with local, state, and federal waste disposal regulations. c. Stabilization or re-vegetation of the site as necessary to minimize erosion. If the owner/operator fails to remove the installation in accordance with the requirements of this section, the City shall have the right, exercise or call the bond/performance

guarantee in order to cover the cost of removal. Performance guarantee: Applicants shall submit an itemized cost estimate for complete decommissioning of the array as specified above. Prior to beginning construction the applicant shall post a performance guarantee in the form of a bond or escrow or other guarantee approved by the Planning Board for the amount to cover decommissioning, including a 20% contingency and calculated with twenty-year inflation factor.

2. The Board must find that the removal of trees will not negatively impact the health, safety and welfare of the residents of Northampton by maintaining a robust and diverse ecosystem for the residents while also creating renewable energy systems. In order for the Board to make such finding, the applicant shall submit an analysis of the proposed project's impact relative to the benefit of the solar installation as follows:
 - a. Analysis showing that tree removal which occurs on more than one acre of slopes greater than 20% will not cause erosion of topsoil and will not increase siltation of any streams present on the site or within 200 feet of the property boundary.
 - b. Analysis of the forest type and relevant habitat that will be lost. This analysis must include the structure and diversity of the canopy, midstory and understory of the forested area to be cleared. Analysis must be performed by an individual with a master's degree in wildlife biology or ecological science from an accredited college/university or other competent professional with at least two years of experience in wildlife habitat evaluation.
 - i. Any forested area within which certifiable vernal pools are found must be identified and a permit from the Conservation Commission must be granted prior to review by the Planning Board.
 - ii. Any forested area containing clusters of five or more healthy trees of 20 inches diameter breast height or greater that are not in decline shall be preserved in order to continue to provide high value ecological benefit to the community. Connection of these larger trees to surrounding stands of trees shall be maintained.
 - iii. As part of the forest type analysis, the report shall contain information regarding the abundance and distribution of habitats within the region and of the specific site and any historical information on the extent and quality of these habitats and impact of clearing on these habitats. The applicant must show through analysis that habitat is not fragmented and that connectivity remains in the proposed conditions.
 - c. Analysis by a qualified third party showing that the project will be carbon-neutral over the first 10 years of operation. The applicant shall provide the following calculations:
 - i. The total volume of trees to be removed (provided by an independent certified forester) and the projected volume of trees over a ten-year period of additional growth.
 - ii. Subtracting the estimated live-wood in replacement trees provided under the significant tree section of this zoning ordinance 10 years after planting.
 - iii. Conversion of the net live-wood to be removed to short tons of carbon (using research from the Northern Institute of Applied Climate Science or other methodology after approval by the permit granting authority).
 - iv. Subtraction of the carbon offsets (short tons of carbon) provided by the solar photovoltaic project over 10 years of operation, including the calculation of potential carbon stored had the trees continued to thrive in that same ten-year window. 350 Attachment 24:8 Supp 11.4, May 2020 ZONING e. If there is any net release of carbon with the above calculations, the applicant shall assign renewable energy credits (REC) to the City to match or exceed said release of carbon. However, RECs may not be used to fund biomass projects.
 - d. At least 50% of the property shall be protected from tree clearing and future development for the duration of the operation of the solar array installation and until such time as the system is decommissioned and removed.
 - e. Within the area beyond the first two acres of canopy removed, stumps for removed trees must remain in place and no excavation/soil disturbance is allowed other than what would be required to bore support posts for the PV panels.
 - f. Electrical transformers for utility interconnections may be aboveground only if required by the utility provider. Power and telecommunications poles and equipment shall not be visible from the public way.